

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Oceola Development & Construction, LLP,)

Plaintiff,)

vs.)

International Insurance Company of
Hannover, PLC,)

Defendant.)

Case No. 2:19-cv-00739-DCN

**DEFENDANT’S MOTION FOR
SUMMARY JUDGMENT**

TO: **MICHAEL H. ELLIS, ESQUIRE AND O’GRADY QUERY, ESQUIRE,
ATTORNEYS FOR PLAINTIFF:**

Defendant International Insurance Company of Hannover, PLC (“Hannover”) hereby moves for summary judgment in accordance with Rule 12 and Rule 56 of the Federal Rules of Civil Procedure. This Motion is based upon the grounds that there is no genuine issue of material fact and that Defendant is entitled to judgment as a matter of law. Plaintiff Osceola Development & Construction, LLP, (“Osceola”), cannot prove that he is entitled to declaratory relief where, based upon the undisputed facts, the Expected and Intended Injury and Assault and Battery exclusions apply to exclude coverage. Hannover is further entitled to summary judgment on the improper claims practices cause of action because South Carolina does not recognize a private cause of action for improper claims practices. Finally, though no cause of action for bad faith was articulated in the Complaint, if such a claim were found implicit in the allegations of the Complaint, Hannover is entitled to summary judgment because it acted reasonably in denying coverage.

In support of this Motion, Defendants relies upon all matters of record, including the pleadings, exhibits, the Memorandum of Law in Support of this Motion filed contemporaneously herewith, and such oral argument as may be heard by the Court. Defendant further reserves the right to amend this Motion.

Respectfully submitted,

COLLINS & LACY, PC

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January 29, 2020
Columbia, South Carolina